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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/737,017	12/14/2000	Anthony J. Cabral	C1197/20001	8222

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EXAMINER

MOONEYHAM, JANICE A

ART UNIT PAPER NUMBER

3629

DATE MAILED: 10/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/737,017

Applicant(s)

CABRAL, ANTHONY J. 

Examiner

Jan Mooneyham

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 42-44 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 42-44 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. This is in response to the communications filed on December 14, 2000 and July 1, 2004.

Claims 42-44 are currently pending in this application.

#### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 42-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Unold et al (2005/00558880) (hereinafter referred to as Unold).

Referring to Claim 42:

Unold discloses a programming method for a dynamic schedule application, the method comprising:

- (a) accessing a schedule having scheduling information for an electronic billboard (Fig. 7c (c), page 2 [0012][0024], page 3 [0027], page 4 [0050], page 7 [0063,0064], page 14 [0101]);
- (b) accessing a storage folder of the billboard, the folder having media files that are scheduled to be displayed (page 3 [0047], page 4 [0049], page 8 [0066];
- (c) in the schedule, selecting a row of the current date and receiving a customer identification from each cell in the selected row (col. 7 [0063] page 14 [0101]);
- (d) locating the stored media files corresponding to the customer identification (page 8 [0066]).

Unold does not disclose renaming the corresponding stored media files to reflect the scheduled sequence of the media files for display at the billboard although system 100 receives

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the input of a promotion code and amount and associates the promotion with the site owner (page 7 [0061]), a file identifier (page 8 [0066]), and a reservation number assigned by the system (page 15 [0105]) . However, it would have been obvious to one of ordinary skill in the art to rename the corresponding stored media files to reflect the scheduled sequence of the media files for display at the billboard so as to be identified by the site owner's computer program or filing system.

Referring to Claim 43:

Unold discloses the programming method of Claim 42, further comprising transferring the corresponding stored media files to a local folder for quicker access, and restricting further access to the schedule during steps (b) through (e) to prevent revisions to the schedule during steps (b), (c), (d) and (e) (page 3 [0047] thru page 5 [0052], page 10 [0076], page 14 [0101]).

Referring to Claim 44:

Unold discloses a programming method for a dynamic schedule application, the method comprising:

- (a) accessing a database having scheduling information for at least one electronic billboard (page 1 [0008], page 7 [0062-0064], page 14 [0101] );
- (b) identifying market data associated with a customer, the market data including information identifying a target group for an advertisement from the customer (page 6 [0060]);
- (c) searching the database for an unassigned time slot available for the target group that matches the market data associated with the customer, the unassigned time slot

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corresponding to one of the at least one billboard (page 1 [0007], page 2 [0020-0021], page 5 [0052]);

(d) assigning the unassigned time slot to the customer (page 24, claim 1, claims 11, 12, 13 and 16)

(e) locating a media file corresponding to the customer (col. 4 [0049] thru col. 5 [0052]; and

(f) linking the media file to the assigned time slot for display at the one billboard according to the database (page 10 [0076]).

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

WO 01/57763 discloses a method and system for displaying advertisements on billboards with the ability to target messages.

[www.billboard.com](http://www.billboard.com) discloses electronic billboards having its own website associated with it, wherein the website is accessible by a user over the Internet.

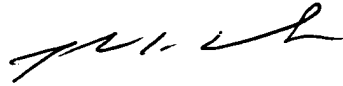
Eller et al discloses a method and system for selling advertising space on electronic billboards.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jan Mooneyham whose telephone number is (703) 305-8554. The examiner can normally be reached on Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (703) 308-2702. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JM

  
JOHN G. WEISS  
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